IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6022 OF 2007

Bapuso Dadu Patil .... Petitioner

versus

State of Maharashtra & ors. ..... Respondent.

Shri A.B.Boarkar for the petitioner
Shri P.P.Kakade AGP for State.

CORAM; A.P. DESHPANDE, J.
DATED; 21ST AUGUST, 2007

P.C.;

1. Apprehending the removal of a temporary structure erected by the present petitioner, adjecent to House No.63, a suit came to be instituted. In the said suit an application for temporary injunction came to be filed. The trial court has rejected the application by holding that the plaintiff has failed to make out a primafacie case. Aggrieved by the order passed by the trial court a Misc. Civil Appeal came to be filed by the petitioner before the District Judge. The District Judge as well, concurring with the view taken by the trial court, has dismissed the appeal by holding that the temporary structure abutting to suit house of the plaintiff bearing No.63 is admittedly an unauthorised construction.

2. Perused the impugned order. No patent illegality is shown to have been committed by the courts below warranting any interference in exercise of writ jurisdiction. Hence writ petition is summarily dismissed.

3. At this stage, the learned counsel for the petitioner undertakes to remove the unauthorised structure within a period of three weeks from today. Permission granted. Statusquo as of today shall continue for three more weeks.

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